

ENTERED

November 03, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

DELIA RIOS CANALES,

§

Plaintiff,

§

VS.

CIVIL ACTION NO. 2:20-CV-168

ANDREW SAUL,

§

Defendant.

§

ORDER ADOPTING MEMORANDUM & RECOMMENDATION

Before the Court is Magistrate Judge Julie Hampton's Memorandum and Recommendation (M&R). (D.E. 19). The M&R recommends that the Court grant Plaintiff's motion for summary judgment (D.E. 16), deny Defendant's motion for summary judgment (D.E. 17), and reverse and remand for further consideration the Commissioner's denial of disability benefits. (D.E. 19, p. 27).

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, LP*, No. CIV. A. H-14-2700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015).

Having carefully reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding

that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 19). Accordingly:

- (1) The Court **GRANTS** Plaintiff's motion for summary judgment (D.E. 16).
- (2) The Court **DENIES** Defendant's motion for summary judgment (D.E. 17).
- (3) The Court **REVERSES and REMANDS** for further consideration Defendant's denial of disability benefits.

A final judgment will be entered separately.

SO ORDERED.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas
November 1st, 2021